

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussions, is respectfully requested.

Claims 1-3, 5, 9-12, 14-19 and 21-26 are currently pending in the application. Claims 1, 3, 5, 9, 12 and 14 have been amended, Claims 4, 6-8, 13 and 20 have been canceled, and Claims 21-26 have been added herewith. The changes to the claims are supported by the originally filed specification and do not introduce any new matter.

In the outstanding Office Action, Figures 1 and 2 were objected to; claims 1-13 were rejected under 35 U.S.C. § 112, first paragraph; claim 3 was rejected under 35 U.S.C. § 112, second paragraph; claims 1-7 and 9-20 were rejected under 35 U.S.C. § 103(a) as anticipated by Guck (US Patent No. 5,911,776 (hereinafter "the '776 patent")) in view of Motoyama (US Patent No. 5,818,603 (hereinafter "the '603 patent"))); and Claim 8 was indicated as allowable if rewritten in independent form.

Applicants acknowledge with appreciation the courtesy of the interview granted to Applicants' attorney on January 9, 2004 at which time the outstanding issues in this case were discussed. During the interview, the differences between the present invention and the applied art were discussed. No agreement on the allowability of any claim was reached pending the Examiner's review when a response is filed. However, it is believed that there was a general understanding that the issues under 35 U.S.C. § 112, first and second paragraphs should be overcome by the present amendment and in light of the arguments reiterated herein.

In response to the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, claim 3 has been amended to cause claim 3 to depend from claim 2 and not claim 1, thereby providing antecedent basis for "the library." Thus, this ground for rejection has been overcome.

In response to the rejection of claims 1-13 under 35 U.S.C. § 112, first paragraph, applicants respectfully traverse that ground for rejection. The Office Action asserts that the “required subject matter in the specification to enable one skilled in the art to perform these parts of the claim is missing.”¹ However, the Office Action does not describe what about those limitations would not be enabled.

First, it should be noted that the claims themselves constitute a portion of the specification as they were originally filed claims. Thus, the Office Action must take into consideration that the specification does disclose both the sixth and seventh computer code devices claimed in claim 1. Second, the Office Action has tacitly admitted that the functions of the code are enabled by the specification since claim 14 recites a similar limitation, but in method form. Thus, the Office Action’s position appears to be that no code has been described to achieve the claimed functionality of the sixth and seventh computer code devices. However, compliance with 35 U.S.C. § 112, first paragraph, does not require the submission of computer code. Thus, absent a more detailed description of what is not enabled, Applicants respectfully submit that the subject matter of claims 1-13 is enabled under the proper legal test of 35 U.S.C. § 112, first paragraph.

In response to the rejection of claims 1-7 and 9-20 under 35 U.S.C. § 103, Applicants respectfully traverse that ground for rejection. For ease of reference, the rejection of claims 1-7 and 9-20 will be discussed with reference to claim 1; however, the arguments for what is not taught by the combination of references is equally applicable to independent claim 14 as well. Independent claim 1 has been amended to recite the substance of claim 8 and the intervening claims. This places claim 1 in the condition for allowance as indicated in the outstanding office (referring to claim 8). Claim 14 has been similarly amended.

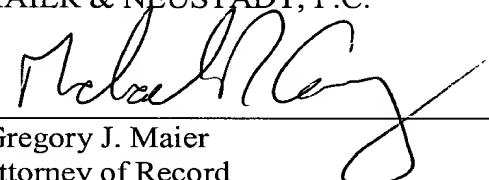
¹ Office Action, page 3, lines 17-19.

With respect to claims 21 and 22, based on the discussions in the interview, it is believed that these newly presented claims should be separately patentable as they each recite two separate transmissions. Such a teaching is not disclosed by the combination of the '776 and '603 patents. Thus, the combination fails to teach the same positively recited limitation not taught by either of the references individually. Moreover, claims 23-26 are patentable based on their dependence on claim 22.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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